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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,763	02/04/2004	David E. Grober		3650

7590
David E. Grober
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Venice, CA 90291

10/01/2010

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2862

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,763	Applicant(s) GROBER, DAVID E.	
	Examiner Christopher E. Mahoney	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-39, 43, 44, 46-54, 56-60, 62-65, 67-69, 72-75, 77 and 79-82 is/are pending in the application.
- 4a) Of the above claim(s) 49-54, 56-60, 62-65, 67-69 and 73-75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-39, 43, 44, 46-48, 72, 77 and 79-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Matters

The applicant has listed claim 78 as “not entered”. To avoid non-responsive replies communications and also to avoid renumbering confusion under 37 CFR 1.126, claim 78 will be considered as “canceled” and should be referred to as such in future communications.

Claim Objections

Claim 48 is objected to because of the following informalities: The examiner believes there is a superfluous "at" (after "wherein") in claim 48. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43, 46, 47, 48, 77, and 82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is a lack of antecedent basis for “the computer” recited in claim 48.

It is unclear in claims 43, 46, 47, 48, 77, and 82 if the sensor referred to is the “at least one sensor” recited in paragraph (c) of claim 37 or the “a sensor” recited in paragraph (d) of claim 37.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37, 39, 43, 44 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shields (U.S. Pat. No. 5769020) in view of Wilson (U.S. Pat. No.4471708). Shields teaches a buoy,

(b) at least one stabilizing head 4 (4a/4b) is mounted to the buoy;

(c) two devices 2a/2b including at least one sensor 8/20 (alternatively antennae are sensors) wherein

(d) at least one of the devices is stabilized by the stabilizing head which is comprised of at least a stabilized payload platform 4, a sensor 20, and motors (col.3, line 50) for stabilizing the payload platform in at least two of the three axes of pitch, roll and azimuth, (col. 2, line 56).

Shields does not teach that the stabilized platform tool undertakes a physical operation or task which includes at least one of painting, drilling, welding, sand blasting, fire extinguishing, spraying or illuminating. Wilson teaches a stabilized platform undertaking a physical task which includes at least one of painting drilling, welding, sand blasting, fire extinguishing (figure 17), spraying, (figure 17) or illuminating. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Wilson for the purpose of stopping fires.

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The applicant should note that the examiner is interpreting buoy to mean “A **buoy** is a floating device that can have many different purposes. It can be anchored (stationary) or allowed to drift.” As defined online by wikipedia. <http://en.wikipedia.org/wiki/Buoy>

Alternatively, the applicant should note that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Shields and Wilson on a buoy since both vessels and buoys are both water vehicles.

Regarding claim 39, Wilson teaches propulsion 78/80.

Regarding claim 80, Wilson teaches in col. 14, lines 31-34 that chemicals may be pumped in addition or instead of water.

Regarding claim 44, Shields in view of Wilson teaches the salient features of the claimed invention except for allowing motion greater than 180 degrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow motion greater than 180 degrees for the purpose of utilizing an optimum range. The applicant should note that it has been held that where the general working conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shields (U.S. Pat. No. 5769020) in view of Wilson, and further in view of Royalty (U.S. Pat. No. 6859185). Shields in view of Wilson teaches the salient features of the claimed invention except for stabilization in the azimuth. Royalty teaches in col. 1, lines 50-51 to include an azimuth positioner. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Royalty for the purpose of maintaining a particular line

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of sight. The applicant should note that Royalty also teaches that while a stabilization system may be placed on a ship, it may also be placed on a buoy.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shields (U.S. Pat. No. 5769020) in view of Wilson, and further in view of Galante (U.S. Pat. No. 3258595). Shields in view of Wilson teaches the salient features of the claimed invention except for a human operator control or a computer stationed on the buoy. Galante teaches in figure 3a computer (for remotely controlling the buoy). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Galante for the purpose of remote control.

Claims 47-48, 77 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shields (U.S. Pat. No. 5769020) in view of Wilson, and further in view of Hashimoto (JP60187873). Shields in view of Wilson teaches the salient features of the claimed invention except for a camera and sensor which sends signals to control the platform. Hashimoto teaches a camera 9 and corresponding illuminator 10. A computer interprets the sensor image and identifies an object (docking mark) and controls the platform to take an action (dock). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Hashimoto for the purpose of automated docking control.

Claims 72 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shields (U.S. Pat. No. 5769020) in view of Wilson, and further in view of Grosch (U.S. Pat. No. 6612244). Shields in view of Wilson teaches the salient features of the claimed invention except for using GPS or a magnetometer. Grosch teaches in col. 2, lines 60-66 that it was known to

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utilize GPS for position determining. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the features taught by Grosch for the purpose of determining location.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For example, Wilcoxon (U.S. Pat. No. 2941492) teaches a self propelled, remote controlled buoy. Montgomery (US 2008/0289558) discusses Hashimoto (JP60-187873).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher E. Mahoney whose telephone number is (571) 272-2122. The examiner can normally be reached on 8:30AM-5PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Clayton Laballe can be reached on (571) 272-1594. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher E Mahoney/
Primary Examiner, Art Unit 2862